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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,749	02/06/2004	Matthias Braun	BRAUN-8	5589
20151	7590	03/08/2006	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			HARRIS, ANTON B	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,749

Applicant(s)

BRAUN ET AL.

Examiner

Anton B. Harris

Art Unit

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(AM)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/773,749.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Examiner agrees with Applicant's argument that the prior art does not disclose a helical cable guide.

Applicant's arguments, see pages 2-3, filed 15 February 2006, with respect to the rejection(s) of claim(s) 1-17 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sotolongo (4,091,231).

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapp et al. (6,417,453) in view of Sotolongo.

Regarding claim 1, Lapp et al. (col. 3, lines 10-67) discloses a hood-shaped cover (UK) comprising a device-proximal bottom side (figure 1) and a device-distal side (figure 1), and a cable guide KE such that a plug-in connector (figure 2) of the connecting cable (col. 3, lines 15-16) is connectable to the electronic device (not shown), said cable guide KE including in the device-proximal bottom side (figure 1) an opening 10 which is configured to extend toward the device-distal side (figure 1) into a passageway 7 and terminates in a cable outlet KE disposed tangentially to the device-distal side (figure 1), but lacks an helically configured cable guide.

Sotolongo (col. 5, lines 44-50) teaches a helically configured cable guide 104.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lapp et al. by providing a helically configured cable guide in order to provide a continuous enclosure about the cable in view of the teachings of Sotolongo.

Regarding claim 2, Lapp et al. (col. 3, lines 10-67) discloses a lid closure (figure 2).

Regarding claim 3, Lapp et al. (col. 3, lines 10-67) discloses that the cable outlet KE is constructed so as to be tight and strain-relieved (col. 3, lines 47-50).

Regarding claims 4 and 12, Lapp et al. (col. 3, lines 10-67) discloses that the lid closure (figures 3 and 4) is constructed as clamp element (figures 3 and 4).

Regarding claims 5 and 13, Lapp et al. (col. 3, lines 10-67) discloses that the lid closure (figures 3 and 4) and the cover UK have aligned bores.

Regarding claim 6, Lapp et al. (col. 3, lines 10-67) discloses that the cover HK includes a shield HM which extends above the opening KE.

Regarding claim 7, Lapp et al. (col. 3, lines 10-67) discloses that the shield HM has an attachment member (figure 5).

Regarding claim 8, Lapp et al. (col. 3, lines 10-67) discloses that the shield HM has a recessed end surface (figure 5) in proximity of the cable outlet KE to define said passageway (figure 5).

Regarding claim 9, Lapp et al. (col. 3, lines 10-67) discloses that the cable outlet KE is constructed in the form of a tray.

Regarding claim 10, Lapp et al. (col. 3, lines 10-67) discloses a cover UK and a flexible electrical cable (col. 3, lines 15-16) secured to the electronic device (not shown) and the cover UK, said cover UK including a hood-shaped cover portion (figure 1) constructed and formed with a cutout (figure 1) having a device-proximal bottom area (figure 1) and a device-distal upper area (figure 1), and a cable guide KE disposed in the area of the cutout (figure 1), said cable guide KE including an opening (figure 2) disposed in the device-proximal bottom area (figure 1) and extended by a slot FN and a cable outlet KE disposed in the device-distal area (figure 1) in proximity of the slot FN, but lacks a cable guide extended by a curved slot.

Sotolongo (figure 2) teaches a cable guide 2 extended by a curved slot 50.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lapp et al. by providing a cable guide extended by a curved slot in order to provide cable strain relief in view of the teachings of Sotolongo.

Regarding claim 11, Lapp et al. (col. 3, lines 10-67) discloses that the cover UK includes a lid closure (figure 2).

Regarding claim 14, Lapp et al. (col. 3, lines 10-67) discloses that the cover HK includes a shield HM which extends substantially above the slot FN of the opening KE.

Regarding claim 15, Lapp et al. (col. 3, lines 10-67) discloses that the shield HM has an attachment member (figure 5).

Regarding claim 16, Lapp et al. (col. 3, lines 10-67) discloses that the shield HM has a recessed end surface (figure 5) in proximity of the cable outlet KE to define a passageway FN.

Regarding claim 17, Lapp et al. (col. 3, lines 10-67) discloses that the cable outlet KE is constructed in the form of a tray.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

abh

3/6/06

  
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